

of the General Assembly. In one of which the widow was to be allowed not more than a fifth nor less than an eighth; (*d*) and in another not more than a sixth nor less than an eighth of the net proceeds of sale; (*e*) in others she was to be allowed one-eighth, or not exceeding one-eighth; (*f*) in others not more than a seventh nor less than a tenth; (*g*) in others the proceeds of sale were directed to be invested; and the widow to be allowed one-third of the interest or dividends during her life; (*h*) in others she was to have awarded to her a proportion of the net proceeds of sale according to the rule of the Court of Chancery; (*i*) or the land was directed to be sold without affecting the widow's right of dower; (*j*) but in the greater number of cases the matter has been left entirely at the discretion of the court, to award to the widow such a proportion of the net proceeds of sale as might be deemed equal in value to her dower. (*k*) And in cases of tenants for life, the whole proceeds of sale have been directed to be invested, and the interest or the dividends of the whole investment awarded to the tenant for life during her life. (*l*) The General Assembly have not, however, in any of these private acts, referred to any rule by which the value of a life interest in lands was to be calculated, nor have they indicated the principles by which they had been governed in awarding to the owner what they so specified as an equivalent, or by which the courts of justice were to be regulated in estimating the present value of such interests when the matter was in part or altogether left to their discretion.

Besides these various private acts, in the passing of which this subject appears to have been placed before the mind of the Legislature, there are several public and important laws in relation to the valuing of life interests, in the passing of which by the General Assembly, it is but reasonable to presume, that the matter must have been more fully and deliberately considered.

In the beginning of the year 1800, the then existing law regulating the descents of real estates, was so modified as to declare, that in case of a sale of the real estate of an intestate for the purpose of effecting a division of its value among the heirs, there should be awarded to the widow, according to her age, health,

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(*d*) 1801, ch. 82.—(*e*) 1815, ch. 45.—(*f*) 1811, ch. 137, 149; 1813, ch. 152, 161. (*g*) 1811, ch. 45; 1816, ch. 246.—(*h*) 1807, ch. 37, 135; 1809, ch. 49; 1810, ch. 138.—(*i*) 1812, ch. 160; 1814, ch. 90; 1816, ch. 224.—(*j*) 1819, ch. 129.—(*k*) 1802, ch. 67; 1803, ch. 91; 1810, ch. 25, 74; 1813, ch. 31, 93, 161, 175; 1819, ch. 102; 1825, ch. 64; 1827, ch. 102.—(*l*) 1808, ch. 15; 1816, ch. 50.